

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
PECOS DIVISION

CONCEPCION VELASQUEZ

VS.

KARANJIT SINGH  
D/B/A SAHIAB TRUCKING

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CIVIL ACTION NO. 4:16-cv-63

**PLAINTIFF'S MOTION TO REINSTATE CASE FOR PURPOSES OF ENFORCING  
THE SETTLEMENT AGREEMENT, MOTION TO ENFORCE SETTLEMENT  
AGREEMENT, AND MOTION FOR SANCTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Concepcion Velasquez files his Plaintiff's Motion to Reinstate Case for Purposes of Enforcing the Settlement Agreement, Motion to Enforce Settlement Agreement, and Motion For Sanctions, would respectfully show the following:

**I.  
CASE FACTUAL BACKGROUND FACTS**

1.1 On or about September 6, 2014, at approximately 8:34 p.m., Concepcion Velasquez was the properly seatbelted driver of a pickup truck traveling northbound on US 285 in Pecos County, Texas.

1.2 At the same time, Defendant Singh was driving a tractor-trailer northbound on US 285.

1.3 Just before the subject collision, Singh was traveling at an unsafe speed when he lost control of his tractor-trailer and crossed over into the southbound lanes of US 285, where he struck the west wall, and then crossed back over into the northbound lane where he then struck the east wall where he finally came to a stop with his tractor-trailer spanning the entirety of the northbound lanes of US 285.

1.4 At that same time, Plaintiff Velasquez was safely driving northbound on a curved section of US 285 behind Defendant Singh, and upon rounding the curve collided the back of Singh's tractor-trailer.

1.5 As a result of this incident, Concepcion Velasquez was injured.

1.6 Texas Department of Safety Officer Amanda Herman responded to the incident and authored a report after speaking with the individuals involved and conducting an investigation. *See* Exhibit 1.

## **II. PROCUDURAL BACKGROUND**

2.1 This lawsuit was settled on August 3, 2018. *See* Exhibit 1.

2.2 The Defendant and his insurance company is refusing to send the settlement check to Plaintiff.

2.3 Based upon representations made by Defense counsel the Defendant's insurance company is seeking further conditions not contemplated in the settlement agreement in order to complete the funding of the settlement.

## **III. ARGUMENT AND AUTHORITIES**

### **A. Fed. R. Civ. P. 60(b)(3)**

3.1 Defendant has committed fraud, misrepresentation, and/or misconduct by not complying with the settlement agreement in this matter.

### **B. Fed. R. Civ. P. 60(c)(1) and Fed. R. Civ. P. 60(c)(2)**

3.2 This motion is being made within a reasonable time and under Fed. R. Civ. P. 60(b)(3).

3.3 This motion is being made within one year of the previous dismissal.

3.4 This judgment does not affect the judgment's finality or suspend its operation.

**C. Breach of Contract**

3.5 Defendant made an offer which Plaintiff excepted and after exchanging mutual consideration signed the agreement.

3.6 Defendant has failed to comply with the terms of the settlement agreement.

**IV.  
MOTION FOR SANCTIONS**

4.1 Upon information and belief Defendant's insurance carrier refuses to pay the settlement until Plaintiff performs actions not contemplated in the settlement agreement.

4.2 Plaintiff is incurring additional costs due to Defendant not complying with the settlement agreement, including the costs associated with filing this motion.

4.3 Plaintiff does not seek any sanctions against counsel for Defendant but merely the insurance carrier for Defendant through Defendant.

4.4 Plaintiff makes a request to inform Defendant Singh of this motion and the sanctions requested.

**V.  
CONCLUSION**

5.1 Plaintiff asks this Court to reinstate this lawsuit for the sole purpose of enforcing the settlement agreement and for sanctions against Defendant.

Respectfully submitted,

**CRAFT LAW FIRM, P.C.**

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing was served on the below counsel via CM/ECF.

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/s/Mason W. Herring  
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